

MEMO ENDORSED

March 7, 2024

Via ECF

Hon. Dale E. Ho
United States District Judge
SDNY
40 Foley Square
New York, NY 10007

Re: Tepley v. Gro Intelligence, Inc. et al
23-cv-11314-DEH

Dear Judge Ho,

We are counsel to Plaintiff in this action. Pursuant to Your Honor's Individual Rules and Practices in Civil Cases, Section 2(e), and as per Order (Docket No. 21), Plaintiff respectfully requests an adjournment of the initial pretrial conference scheduled for March 13, 2024 due both to Plaintiff's counsel's illness and also to resolve some early discovery disputes. This is the first request for adjournment.

Plaintiff also requests that the conference be converted into a discovery dispute conference pursuant to Your Honor's Individual Rules 4(a) and 4(k). Essentially, parties disagree whether discovery should be stayed pending the motion to dismiss and therefore a jointly proposed Civil Case Management Plan and letter would be futile until clarification of this point by discovery hearing as parties would simply be submitting two separate proposals. We understand that Defendants intend to submit a proposed Civil Case Management Plan by tomorrow, March 8, in accordance with this Court's Order (Docket No. 21), which will be on behalf of Defendants only. This is being done notwithstanding Plaintiff's counsel's suggestion that deadline will also be adjourned with the conference reschedule and against Plaintiff's counsel's request for adjournment of that deadline for more time for discovery dispute resolution concerning the dates on the Civil Case Management Plan.

Three alternative conference dates that are mutually agreeable to the parties are:

March 20, 2024
April 8, 2024
April 10, 2024

We further request, also due to illness, a first 14 day extension to and through April 8, 2024 to file an opposition to the motion to dismiss, the deadline for which is currently March 25, 2024. Defendants' counsel consents to this extension, provided that Defendants are also provided seven (7) additional days to file their reply briefs, such that the deadline for Defendants' reply briefs will be April 24, 2024.

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Thank you very much for your consideration of this matter.

Respectfully submitted,



Tiffany Ma

cc: Defendants' Counsel (via ECF)

Application **GRANTED**. The initial pretrial conference is **ADJOURNED** from March 13, 2024, to **April 10, 2024, at 11:00 A.M. EST**. The parties shall join the conference by dialing (646) 453 - 4442 and entering the conference ID: 149 233 481, followed by the pound sign (#). The parties shall file the required joint status letter and proposed case management plan by **April 3, 2024**. Plaintiff shall file an opposition to the motions to dismiss or an Amended Complaint by **April 8, 2024**. If Plaintiff files an opposition to the motions to dismiss, Defendants shall file replies by **April 24, 2024**. See FRCP 6(a)(1)(C) (stating that for deadlines measured in a period of days, the last day of any period set in terms of days is included).

On March 7, 2024, Defendants filed the initial pretrial conference materials and stated that Plaintiff did not join in the filing of the materials. The parties shall meet and confer on a proposed case management plan assuming no stay of discovery will be granted and re-file the initial pretrial conference materials in accordance with the deadline given above. In connection with the joint initial pretrial conference materials, Defendants may file a letter motion, not to exceed two pages, explaining why a stay of discovery is appropriate in this case.



Dale E. Ho
United States District Judge
Dated: March 8, 2024
New York, New York